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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,581	09/24/2003	Robert W. Stuckel	252060	5637

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/669,581

Applicant(s)

STUCKEL ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/06/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 31 recites the limitation "said card" in line 2. There is insufficient antecedent basis for this limitation in the claim. In claim 22, there are two separate limitations defining cards, which are the "financial cards having said first configuration" in line 4, and the "cut financial cards being of said second configuration having said second periphery" in lines 7-8. For the purposes of examination, "said card" in claim 31 is interpreted to be the former.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 22, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Christen et al (US 2002/0046635 A1), hereafter Christen. Christen discloses a method for cutting a financial card in paragraphs [0014]-[0016]; first configuration having a first periphery 10; second configuration having a second periphery 17; supplying financial having the first configuration individually to the cutting station 8, 9, 12, 13 as disclosed in paragraph [0014]; cut financial cards 17; element 10 becomes scrap after cutting; financial cards are transported away from the cutting station, separately from the scrap, along passage 16 to delivery station 3, 4, 6;

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credit cards in paragraph [0004], line 1; element 12 is a cylindrical punching tool which punches a hole in "said card" 10.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christen in view of Kline et al (2,430,720), hereafter Kline. Christen discloses everything as noted above, but does not disclose a first conveyor that has a plurality of spaced nests. However, Kline teaches first conveyor in figure 2 that has a plurality of spaced nests 26. It would have been obvious to provide a first conveyor that has a plurality of spaced nests in Christen as taught by Kline in order to automate the process of supplying cards to the cutting station.

7. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Christen and Kline as applied to claim 23 above, and further in view of Roy et al (5,586,479), hereafter Roy. The combination discloses everything as noted above, but does not disclose a magnetic stripe reader. However, Roy teaches magnetic stripe reader 58A, 58B in column 4, lines 30-68. It would have been obvious to provide a magnetic stripe reader in the combination as taught by Roy in order to determine the amount of skew of the cards.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Christen and Kline as applied to claims 23 above, and further in view of Roy. The

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combination discloses everything as noted above, but does not disclose properly locating the card with a cutting device. However, Roy teaches properly locating the card with a cutting device in column 5, lines 19-42. It would have been obvious to provide a method of properly locating the card with a cutting device in the combination as taught by Roy in order to ensure proper cutting of a skewed card.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Christen as applied to claims 22, 30 and 31 above, and further in view of Pentz (D462,965).

The combination discloses everything as noted above, but does not disclose a non-conventional configuration of a smaller rectangular shape. However, Pentz teaches non-conventional configuration of a smaller rectangular shape in the figures. It would have been obvious to provide a non-conventional configuration of a smaller rectangular shape in Christen as taught by Pentz in order to allow a user to fit the card into rectangular wallet pockets.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 22-26 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Long is cited for cutting a financial card to a second configuration with a second periphery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

September 18, 2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER